

REMARKS

Claims 1-21 are pending. Claims 2, 11 and 12 have been amended to provide language clarification. Reconsideration is requested. The patent number referred to on page 2 has been inserted as suggested in the Office Action.

Claims 1-21 stand rejected under 35 USC 103(a) as being allegedly unpatentable over Jackson (4,150,676) in view of Linder et al (3,957,055). This rejection is respectfully traversed.

Contrary to the assertion in the Office Action as a basis for the rejection, Linder does not disclose a stylet which is immalleable. As defined in general and also by the Applicant at page 7, lines 27-29 of the specification, the term "immalleable" means "shape retaining" as opposed to malleable being flexible enough to be bent into different shapes. Linder's stylet is clearly the latter and not the former. See for example, Linder's claim 1 which describes his stylet as having a wire sufficiently flexible to be configured by the hands into a desired shape. At column 1, lines 51-54, Linder describes his stylet as an elongated member which is sufficiently flexible to be bent easily into a retained shape by the hands. In other words, Linder's stylet is malleable and not immalleable.

Contrary to Linder, Applicant's stylet is described and claimed as being immalleable because as noted, it holds its curvature throughout manipulation of the tube and stylet. Its curvature is preformed (see page 4, line 26 of the specification) and does not change. Linder's stylet on the other hand is designed to be altered in shape (i.e., bent) by hand manipulation while in use. Applicant's stylet having been uniquely designed specifically to be used in an endotracheal tube with an articulating tip, is

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immalleable to rigidize the tube and stylet combination while the tube's tip is free to bend beyond the shorter length of the stylet as claimed in claims 1-21.

Therefore, the suggested combination of Jackson's and Linder's teachings does not achieve or even suggest Applicant's invention or Applicant's results. Applicant achieves a combined stylet and tube which has an unchangeable shape throughout its length up to the articulation point of the tube where the stylet ends and the remaining tube tip is free to articulate. This is not achievable with Jackson or Linder because, undesirably, their shape can be readily changed throughout the length of the combined tube and stylet.

In view of the foregoing, it should be evident that the rejection of claims 1-21 is not well-founded and should be withdrawn. An early allowance of claims 1-21 is therefore solicited.

Respectfully submitted,

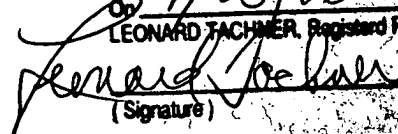


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